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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,842	01/12/2005	Mary Toniolo	05002	7206
23338 7590 04/10/2008 DENNISON, SCHULTZ & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314				
EXAMINER				
WERT, JOSHUA P				
ART UNIT		PAPER NUMBER		
3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,842

Applicant(s)

TONIOLO, MARY

Examiner

JOSHUA WERT

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-24 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) 26-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 15-16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over M.D. De Long, U.S. Patent 233,482 (Long) in view of Kravitz, U.S. Patent 2,932,510.
3. Regarding claims 1 and 2, Long discloses a training device for a dancer (Figure 1) comprising a mat (A, Col. 1, lines 14-19) which is provided with a set of indicia representing the preferred position of the feet (Figure 1) during any one or combination of movements pertaining to a dance (Col. 1, lines 14-19). Long substantially discloses the claimed invention except for there being a balancing associated with the mat. Kravitz teaches a portable ballet bar (Figure 1) comprising horizontal and vertical bars (Figure 1) adapted for assisting a dancer in balancing during a dance (Col. 1, lines 15-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long's mat to be accompanied by a balancing bar as taught by Kravitz and locate it near the mat in order to help the dancer maintain balance while learning the dance on the mat.

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4. Regarding claims 3 and 4, Long discloses the indicia representing a sequential and progressive combination of movements pertaining to a dance (Figure 1; Col. 1, lines 26-31).
5. Regarding claim 5, Long discloses the sequence being referable (Figure 2; Col. 1, lines 37-38).
6. Long substantially discloses the claimed invention except for the mat being specifically for a ballet dancer or for a dancer with small legs. Although the embodiment of the disclosure is directed to learning the waltz, it is generally directed to a dance training aid. Once it is known to place one dance routine on a mat, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the position of the indicia on Long's mat to accommodate any dance routine for any size person.
7. Regarding claim 7, Long discloses the mat provided with indicia dedicated to a selection of movements pertaining to said dance (C; Col. 2, lines 53-57).
8. Regarding claims 8 and 9, Long discloses the motion of both the right and left legs (Figure 1; there are indicia drawn in a way as to distinguish both a left and a right foot position and movement).
9. Regarding claims 10 and 11, Long discloses matching sets of indicia applied to the front and back of the mat (Col. 2, lines 79-81; the forward progression is on the front and the matching reverse progression is on the back).
10. Regarding claims 15 and 16, Long discloses the foot facsimiles being visual images printed on the mat (Col. 1, line 49).

11. Regarding claim 21, Kravitz teaches the balancing bar being adjustable vertically by use of telescoping rods (Col. 1, lines 44-47). Although Kravitz does not teach the balancing bar being adjustable horizontally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the horizontal bars in Kravitz balancing bar to be telescoping as taught by the vertical bars in order to increase the flexibility and portability of the balancing bar.

12. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Kravitz, further in view of Kolp, U.S. Patent 900,105.

13. Long substantially discloses the claimed invention except for their being a plurality of mats used in combination. Kolp teaches using a plurality of mats with indicia (Figures 1-8) working in combination (Col. 1, lines 28-39) to train a dancer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long's mat to be split in to several smaller mats as taught by Kolp in order to make the mat more portable and/or to break down the dance in to specific movements to help train dancers.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Kravitz, further in view of Rothkugel, U.S. Patent 1,277,645.

15. Long substantially discloses the claimed invention except for the visual means being color-coded. Rothkugel teaches color-coding left and right foot indicia (Col. 4, lines 52-56). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the mat disclosed by Long to included color-coded indicia as taught by Rothkugel in order to make distinguishing between left and right foot positions on the mat easier for the dancer.

16. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Kravitz, further in view of Mitchell, U.S. Patent 1,815,443.

17. Long substantially discloses the claimed invention except for the indicia being tactile means. Mitchell teaches using tactile means (cardboard cut-outs in the shape of feet) to teach dancers a dance so that they can unconsciously glide across the tactile means (Col. 2, lines 65-72). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long's mat so that the indicia were tactile as taught by Mitchell so that the dancer would not have to look down while learning the dance but could instead unconsciously acquire the dance to be learned by feeling the foot placements as laid out on Long's mat.

18. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Kravitz, further in view of Wilkinson, U.S. Patent 5,066,001.

19. Long substantially discloses the claimed invention except for the mats being adapted for co-engagement with a second mat. Wilkinson teaches adapting mats for co-engagement with plural mats (Figures 7; protruding lug, and Figure 8; zipper). It would have been obvious to one having ordinary skill in the art to adapt Long's mat with

a co-engagement means as taught by Wilkinson (either lug or zipper) in order for it to be able to be coupled to a secondary mat.

Response to Amendment

20. Examiner acknowledges the amendments to claims filed on 12/27/07 including the amendment of claims 1, 2, 6, 10, 21 and 22 as well as the cancellation of claims 20 and 25. The present amendments have appropriately corrected the 35 USC 112 issues.

21. Examiner acknowledges the amendment to the specification and the addition of two new drawings to show claim features presented in the original filing of the case and that no new matter has been added.

Response to Arguments

22. Applicant's arguments filed 12/27/07 have been fully considered but they are not persuasive.

23. Applicant presents the argument that since De Long's mat is disclosed as being used for the waltz and Kravitz does not disclose the balancing bar being used in conjuncture with a mat, that there is no reason to combine the two teachings. While De Long discloses his mat as being used for a waltz, the structure of the mat is no different if it is being used for a waltz or for ballet. The only difference between the two uses would be the specific placement of foot patterns on the mat. Second, while Kravitz does not explicitly disclose the balancing bar being used in conjunction with a mat, it is a

portable balancing bar. Since Kravitz does not teach away from using the balancing bar with a mat, it would be obvious to one of ordinary skill in the art to place the portable balancing bar at any desirable location, including adjacent to a mat. Therefore, the combination of De Long's mat with Kravitz portable balancing bar is proper since together they provide for all of the claim limitations and neither teach away from the combination.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/31/08

JPW

/J. W./

Examiner, Art Unit 3714

/Corbett Coburn/
Primary Examiner
AU 3714

